

tural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

(f) Ranking of requests for rehabilitation assistance

The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

(g) Prohibition on certain rehabilitation assistance

The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

(h) Funding

(1) Funds of Commodity Credit Corporation

In carrying out this section, of the funds of the Commodity Credit Corporation, the Secretary shall make available, to remain available until expended—

- (A) \$45,000,000 for fiscal year 2003;
- (B) \$50,000,000 for fiscal year 2004;
- (C) \$55,000,000 for fiscal year 2005;
- (D) \$60,000,000 for fiscal year 2006;
- (E) \$65,000,000 for fiscal year 2007; and¹
- (F) \$0 for fiscal year 2008.²
- (G) \$100,000,000 for fiscal year 2009, to be available until expended.

(2) Authorization of appropriations

In addition to amounts made available under paragraph (1), there are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

- (A) \$45,000,000 for fiscal year 2003;
- (B) \$55,000,000 for fiscal year 2004;
- (C) \$65,000,000 for fiscal year 2005;
- (D) \$75,000,000 for fiscal year 2006; and
- (E) \$85,000,000 for each of fiscal years 2008 through 2012.

(i) Assessment of rehabilitation needs

The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

(j) Recordkeeping and reports

(1) Secretary

The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the

basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

(2) Grant recipients

Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.

(Aug. 4, 1954, ch. 656, §14, as added Pub. L. 106-472, title III, §313, Nov. 9, 2000, 114 Stat. 2077; amended Pub. L. 107-171, title II, §2505, May 13, 2002, 116 Stat. 274; Pub. L. 110-234, title II, §2803, May 22, 2008, 122 Stat. 1086; Pub. L. 110-246, §4(a), title II, §2803, June 18, 2008, 122 Stat. 1664, 1814.)

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944, referred to in subsec. (a)(2)(B), is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 905, as amended, which is not classified to the Code.

The Department of Agriculture Appropriation Act, 1954, referred to in subsec. (a)(2)(C), is act July 28, 1953, ch. 251, 67 Stat. 205. Provisions under the heading “FLOOD PREVENTION” are not classified to the Code. For complete classification of this Act to the Code, see Tables.

The Agriculture and Food Act of 1981, referred to in subsec. (a)(2)(D), is Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1213, as amended. Subtitle H of title XV of the Act is classified generally to subchapter V (§3451 et seq.) of chapter 54 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (h)(1)(G). Pub. L. 110-246, §2803(a), added subpar. (G).

Subsec. (h)(2)(E). Pub. L. 110-246, §2803(b), substituted “each of fiscal years 2008 through 2012” for “fiscal year 2007”.

2002—Subsec. (h). Pub. L. 107-171 added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: “There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

- “(1) \$5,000,000 for fiscal year 2001;
- “(2) \$10,000,000 for fiscal year 2002;
- “(3) \$15,000,000 for fiscal year 2003;
- “(4) \$25,000,000 for fiscal year 2004; and
- “(5) \$35,000,000 for fiscal year 2005.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

CHAPTER 18A—COOPERATIVE WATERSHED MANAGEMENT PROGRAM

Sec.
1015.
1015a.
1015b.

Definitions.
Program.
Effect of chapter.

¹ So in original. The word “and” probably should not appear.

² So in original. The period probably should be “; and”

§ 1015. Definitions

In this chapter:

(1) Affected stakeholder

The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) Grant recipient

The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 1015a(c)(2) of this title.

(3) Program

The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 1015a(a) of this title.

(4) Secretary

The term “Secretary” means the Secretary of the Interior.

(5) Watershed group

The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) Watershed management project

The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

(Pub. L. 111-11, title VI, § 6001, Mar. 30, 2009, 123 Stat. 1165.)

§ 1015a. Program**(a) Establishment**

Not later than 180 days after March 30, 2009, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) Application**(1) Establishment of application process; criteria**

Not later than 1 year after March 30, 2009, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) Distribution of grant funds**(1) In general**

In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) Funding procedure**(A) First phase****(i) In general**

The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) Mandatory use of funds

A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) Annual determination of eligibility

(I) Determination

For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) Effect of determination

If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) Advancement conditions

A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) Exception

A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) Second phase

(i) In general

A watershed group may apply for and receive second-phase grants of \$1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) Mandatory use of funds

A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) Annual determination of eligibility

(I) Determination

For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) Effect of determination

If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) Advancement condition

A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) Third phase

(i) Funding limitation

(I) In general

Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than \$5,000,000 for a period of not more than 5 years.

(II) Exception

The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) Mandatory use of funds

A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) Authorizing use of funds for administrative and other costs

A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) \$100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) Cost share**(1) Planning**

The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) Projects carried out under second phase**(A) In general**

The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) Form of non-Federal share

The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) Projects carried out under third phase**(A) In general**

The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) Form of non-Federal share

The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) Annual reports**(1) In general**

Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) Required degree of detail

The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) Report

Not later than 5 years after March 30, 2009, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

- (A) in addressing water conflicts;
- (B) in conserving water;
- (C) in improving water quality; and
- (D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

(1) \$2,000,000 for each of fiscal years 2008 and 2009;

(2) \$5,000,000 for fiscal year 2010;

(3) \$10,000,000 for fiscal year 2011; and

(4) \$20,000,000 for each of fiscal years 2012 through 2020.

(Pub. L. 111–11, title VI, §6002, Mar. 30, 2009, 123 Stat. 1166.)

§ 1015b. Effect of chapter

Nothing in this chapter affects the applicability of any Federal, State, or local law with respect to any watershed group.

(Pub. L. 111–11, title VI, §6003, Mar. 30, 2009, 123 Stat. 1170.)

CHAPTER 19—NORTH PACIFIC FISHERIES

§§ 1021 to 1023. Repealed. Pub. L. 102–567, title VIII, §814, Oct. 29, 1992, 106 Stat. 4316, and Pub. L. 102–587, title VIII, §8014, Nov. 4, 1992, 106 Stat. 5106

Section 1021, acts Aug. 12, 1954, ch. 669, §2, 68 Stat. 698; July 28, 1978, Pub. L. 95–326, §1(1), 92 Stat. 399, defined terms used in this chapter.

Section 1022, acts Aug. 12, 1954, ch. 669, §3, 68 Stat. 698; Oct. 9, 1972, Pub. L. 92–471, title I, §108(a), 86 Stat. 786; July 28, 1978, Pub. L. 95–326, §1(2)(A), 92 Stat. 399, related to United States Commissioners to International North Pacific Fisheries Commission.

Section 1023, acts Aug. 12, 1954, ch. 669, §4, 68 Stat. 698; Oct. 9, 1972, Pub. L. 92–471, title I, §108(b), 86 Stat. 787; July 28, 1978, Pub. L. 95–326, §1(3), 92 Stat. 400, related to advisory committee.

SHORT TITLE

Section 1 of act Aug. 12, 1954, which provided that such Act was to be cited as the “North Pacific Fisheries Act of 1954”, was repealed by Pub. L. 102–567, title VIII, §814, Oct. 29, 1992, 106 Stat. 4316, and Pub. L. 102–587, title VIII, §8014, Nov. 4, 1992, 106 Stat. 5106.

§ 1024. Repealed. Pub. L. 92–471, title I, §108(c), Oct. 9, 1972, 86 Stat. 787

Section, act Aug. 12, 1954, ch. 669, §5, 68 Stat. 698, provided that service of individuals appointed as United States Commissioners shall not be treated as service for purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§§ 1025 to 1027. Repealed. Pub. L. 102–567, title VIII, §814, Oct. 29, 1992, 106 Stat. 4316, and Pub. L. 102–587, title VIII, §8014, Nov. 4, 1992, 106 Stat. 5106

Section 1025, acts Aug. 12, 1954, ch. 669, §6, 68 Stat. 699; July 28, 1978, Pub. L. 95–326, §1(4), 92 Stat. 400, related to acceptance or rejection of recommendations of Commission by Secretary of State.

Section 1025a, act Aug. 12, 1954, ch. 669, §7, as added Oct. 9, 1972, Pub. L. 92–471, title I, §101, 86 Stat. 784; amended July 28, 1978, Pub. L. 95–326, §1(5), 92 Stat. 400, related to administration and enforcement of Convention, this chapter, and regulations.

Section 1026, acts Aug. 12, 1954, ch. 669, §8, formerly §7, 68 Stat. 699; renumbered §8, Oct. 9, 1972, Pub. L. 92–471, title I, §101, 86 Stat. 784, related to cooperation with other agencies.

Section 1027, acts Aug. 12, 1954, ch. 669, §9, formerly §8, 68 Stat. 699; renumbered §9 and amended Oct. 9, 1972, Pub. L. 92–471, title I, §§102, 103, 107, 86 Stat. 784, 786; July 28, 1978, Pub. L. 95–326, §1(6), 92 Stat. 400, related to enforcement of this chapter.